

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES**

In Re Application of:
Kim et al.

Serial No.:
09/766,473

Filed:
January 19, 2001

For:
**System and Method for Managing Server
Configurations**

Confirmation No. **1039**

Group Art Unit:
2442

Examiner:
Ailes, Benjamin A.

Docket No.:
050906-1050

SUBSTITUTE APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Substitute Appeal Brief under 37 C.F.R. § 41.37 is submitted in response to the Notification of Non-Compliant Appeal Brief, mailed April 6, 2009, and to the non-final Office Action mailed from the United States Patent and Trademark Office on November 17, 2008 (Paper No. 20081108).

I. REAL PARTY IN INTEREST

The real party in interest of the instant application is Web.Com, Inc., having its principal place of business at 12808 Gran Bay Pkwy W., Jacksonville, FL, 32258

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences for this application.

III. STATUS OF THE CLAIMS

Claims 1-7, 10-11, 16-17, 19-21, and 24-25 have been cancelled in previous responses. Claims 8-9, 12-15, 18, 22-23, and 26-38 stand twice rejected by the Office Action mailed November 17, 2008, and are the subject of this appeal.

IV. STATUS OF AMENDMENTS

All claim amendments have been entered. The claim listing in section VIII. CLAIMS – APPENDIX (below) represents the present state of the claims. Appellants note that a typographical discrepancy appears in claims 34-38. Claims 34-38 recite “The system of claim 33” but should instead recite “The method of claim 33.” Appellants intend to amend claims 34-38 to correct this typographical discrepancy following this appeal and respectfully submit that the noted discrepancy affects no substantive issues of this appeal.

V. SUMMARY OF THE INVENTION

Embodiments of the claimed subject matter are summarized below with reference numbers and references to the specification and drawings. The subject matter described below appears in the original disclosure at least where indicated, and may further appear in other places within the original disclosure.

Embodiments of the invention, such as those defined by claim 12, define a method of synchronizing configuration parameters on a server with a database of stored configuration parameters (FIG. 1, p. 6, line 30 to p. 7, line 9; FIG. 4, p. 8, ll. 17-29). The method comprises automatically updating at least one application program configuration parameter on the server in response to receiving an update of at least one corresponding stored application configuration parameter in said database (FIG. 4, p. 8, ll. 17-29; FIGS 5-6, p. 8, line 30 to p. 10, line 32). The update is initiated by a particular customer of a web hosting provider (FIG. 3, p. 6, ll. 11-16; p. 6, line 30 to p. 7, line 24). Each application program configuration parameter defines at least in

part a quantity of a resource on the server available to the particular customer of a web hosting provider (FIG. 3, p. 7, ll. 17-24).

Embodiments of the invention, such as those defined by claim 18, define an information processing system. The system comprises at least one network server running at least one application program (FIG. 1, p. 5, line 20 to p. 6, line 8). Application program operation is defined at least in part by a set of configuration parameters stored on said at least one network server and associated with said application program operation (FIG. 1, p. 6, ll. 17-29). The system further comprises a database separate from said at least one network server and storing said set of configuration parameters (FIG. 1, p. 6, line 30 to p. 7, line 9). The system further comprises means for automatically maintaining synchronization between said set of configuration parameters stored on said at least one network server and said set of configuration parameters stored in said database (FIG. 4, p. 8, ll. 17-29; FIGS 5-6, p. 8, line 30 to p. 10, line 32). The server is operated by a web-hosting provider (FIG. 1, p. 6, ll. 6-8). Each application program configuration parameter defines at least in part a quantity of a resource on the network server available to a particular customer of the web hosting provider (FIG. 3, p. 7, ll. 17-24).

Embodiments of the invention, such as those defined by claim 26, define an information processing system. The system comprises at least one network server running at least one application program (FIG. 1, p. 5, line 20 to p. 6, line 8). Application program operation is defined at least in part by a set of configuration parameters stored on said at least one network server and associated with said application program operation (FIG. 1, p. 6, ll. 17-29). The system further comprises a database separate from said at least one network server and storing said set of configuration parameters (FIG. 1, p. 6, line 30 to p. 7, line 9). The system further comprises means for automatically maintaining synchronization between said set of configuration parameters stored on said at least one network server and said set of configuration parameters stored in said database (FIG. 4, p. 8, ll. 17-29; FIGS 5-6, p. 8, line 30

to p. 10, line 32). Each application program configuration parameter defines at least in part a quantity of a resource on the network server that are made available to a particular user of the network server (FIG. 3, p. 7, ll. 17-24).

Embodiments of the invention, such as those defined by claim 33, define a method of synchronizing configuration parameters on a server with a database of stored configuration parameters that is separate from the network server (FIG. 1, p. 6, line 30 to p. 7, line 9; FIG. 4, p. 8, ll. 17-29). The method comprises automatically updating an application program configuration parameter on the server in response to an update of a corresponding stored application configuration parameter in said database by a particular user of the server (FIG. 4, p. 8, ll. 17-29; FIGS 5-6, p. 8, line 30 to p. 10, line 32). The application program configuration parameter defines a quantity of a resource on the server that is available to the particular user of the server (FIG. 3, p. 7, ll. 17-24; p. 6, ll. 11-16; p. 6, line 30 to p. 7, line 24).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The following grounds of rejection are to be reviewed on appeal.

- A. Claims 12, 14, 18, 26, 27, 29, 33, 34, and 36-38 have been rejected under §103(a) as allegedly unpatentable over *Frailong et al.* (US 6,496,858, hereinafter *Frailong*) in view of *Wall et al.* (US Pub. 2007/0037380, hereinafter *Wall*).
- B. Claims 8 and 9 have been rejected under §103(a) as allegedly unpatentable over *Frailong* and *Wall* in view of *Wilson* (US 6,718,347).
- C. Claims 13, 15, 22, 23, 28, 30-32, and 35 have been rejected under §103(a) as allegedly unpatentable over *Frailong* and *Wall* in view of *Dan et al.* (US 6,560,639, hereinafter *Dan*).

VII. ARGUMENT

A. Rejection of Claims 12, 14, 18, 26, 27, 29, 33, 34, and 36-38 under 35 U.S.C. §103 as allegedly unpatentable over *Frailong* in view of *Wall*

1. Independent Claim 12

Claim 12 recites:

12. A method of synchronizing configuration parameters on a server with a database of stored configuration parameters comprising:

automatically updating at least one application program configuration parameter on the server in response to receiving an update of at least one corresponding stored application configuration parameter in said database, the update initiated by a particular customer of a web hosting provider,

wherein each application program configuration parameter defines at least in part a quantity of a resource on the server available to the particular customer of a web hosting provider.

(Emphasis added.)

Appellants respectfully submit that the cited references fail to disclose, teach, or suggest at least the features emphasized above. The Office Action, at page 3, alleges that “Wall teaches ‘configuration parameter defines at least in part a quantity of a resource on the server’ wherein Wall teaches the determination of web documents needed for acquisition by the web site hosting provider in response to the user’s request with respect to personalization and configuration (p. 1, para. 0005).” Appellants respectfully disagree.

The cited portion of *Wall* discloses the following:

The method detailed herein involves receiving a request by a user to create a set of web documents to be hosted at a web site hosting computer system. When a request is made, the user is identified using a unique identifier such as a phone number or student ID number and then checked against an existing database of information. If located within the database, corresponding information is determined and then used to create a set of web documents that the user will further personalize and configure. The web site hosting computer also provides web site hosting functions to the user such as a means for customers to purchase goods and services.

([0005]). *Wall* further states:

Once the user has been uniquely identified, the host computer system determines corresponding information from the database of information to be

used in creating a set of web documents. The user's browser is directed to a pre-configured web page that has been initially configured to meet with general specifications of the Standard Industrial Code (SIC) that corresponds to the phone number in the database. For example, the phone number of a law firm would correspond to a SIC identifying it as a law firm, and thus, a collection of web pages will already have been configured in a standard law firm format for this particular phone number.

The web hosting service maintains a pool of several standard sets of web documents per SIC in the server farm that is located at its place of business. These standard sets of web documents are pre-configured with the look and feel of a typical web site of that industry along with typical features found on web sites of that industry.

([0020]-[0021]). The portions of *Wall* quoted above correspond to the alleged teaching of the “determination of web documents needed for acquisition by the web site hosting provider.” The parameter described in *Wall* merely corresponds to an identification of a user, in this case, a phone number of a user in a database. However, a phone number does not define “a quantity of a resource on the server”; *Wall* requires looking up a Standard Industrial Code associated with the phone number and then mapping that to some standard set of documents.

The parameter in *Wall* is used to choose one set from “a pool of several standard sets of web documents.” However, even if, *arguendo*, the standard set of web documents were to correspond to “a resource on the server,” *Wall* wholly fails to disclose, teach, or suggest that the standard sets of web documents are associated with different quantities of web documents. If, for instance, a user is directed to a same quantity of web documents regardless of his or her phone number, then the phone number has no relation to, and does not define, the quantity.

Furthermore, Appellants respectfully submit that the addition of *Frailong* does not cure the deficiencies of *Wall*. To begin, the Office Action, at page 4, admits that *Frailong* “does not explicitly teach ...the ‘configuration parameter defines at least in part a quantity of a resource on the server.’” Appellants respectfully submit that *Frailong* also fails to suggest “configuration parameter defines at least in part a quantity of a resource on the server” as recited in claim 12. *Frailong*, col. 9, lines 3-20, discloses that “[e]ach service manager allows a user, through a user interface, to perform certain service functions, such as bring down the service, reconfigure the service, and

bring the service back up”. Even if enabling, disabling, or reconfiguring a service corresponds to a “configuration parameter,” none of them properly corresponds to a configuration parameter that “defines at least in part **a quantity of a resource** on the server available to the particular customer of a web hosting provider” as recited in claim 12.

Additionally, one having ordinary skill in the art would find no motivation to combine *Wall* with *Frailong*, as *Wall* relates to web site hosting and not network interface devices, like *Frailong*.

The Office Action, at page 4, alleges:

One of ordinary skill in the art at the time of the applicant’s invention would have found it obvious to combine the teachings of *Wall* with *Frailong*. One of ordinary skill in the art would have been motivated to combine the teachings of *Wall* wherein *Wall* teaches the direct access by users to handle web site maintenance and be assisted by a web site hosting provider to help users that may lack the expertise necessary to maintain a web site (*Wall*, p. 1, para. 0002-3).

Appellants note that “[r]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741, 82 U.S.P.Q.2d at 1396 (quoting *In re Kahn*, 441 F.3d 977, 988, 78 U.S.P.Q.2d 1329, 1336 (Fed. Cir. 2006)). Appellants respectfully submit that the above allegation is conclusory and does not provide any articulated reasoning to combine *Wall* with *Frailong*, where *Frailong* does not even relate to the same subject matter as *Wall* (i.e., network interfaces versus web sites). The Office Action at most alleges a generic advantage: “to help users that may lack ... expertise necessary to maintain a web site.” This is merely a feature of *Wall*, not a motivation to combine the references. Further, *Frailong* does not mention web site maintainers, nor does it mention helping inexperienced web site maintainers as a goal or advantage. Because the two references are not related, a person of ordinary skill in the art would not be motivated to combine the two from the generic advantage alleged in the Office Action. For these reasons, Appellants respectfully submit that claim 12 is allowable over *Frailong* in view of *Wall*. Therefore, Appellants request that the rejection of claim 12 be overturned.

2. Independent Claim 18

Claim 18 recites:

18. An information processing system comprising:
at least one network server running at least one application program,
wherein application program operation is defined at least in part by a set of
configuration parameters stored on said at least one network server and
associated with said application program operation;
a database separate from said at least one network server and storing
said set of configuration parameters; and
means for automatically maintaining synchronization between said set of
configuration parameters stored on said at least one network server and said set
of configuration parameters stored in said database, wherein the server is
operated by a web-hosting provider and ***wherein each application program
configuration parameter defines at least in part a quantity of a resource on
the network server available to a particular customer of the web hosting
provider.***

(Emphasis added.)

Appellants respectfully submit that the cited references fail to disclose, teach, or suggest at least the features emphasized above. The Office Action, at page 5, alleges that “Wall teaches ‘configuration parameter defines at least in part a quantity of a resource on the server’ wherein Wall teaches the determination of web documents needed for acquisition by the web site hosting provider in response to the user’s request with respect to personalization and configuration (p. 1, para. 0005).” Appellants respectfully disagree.

The cited portion of *Wall* discloses the following:

The method detailed herein involves receiving a request by a user to create a set of web documents to be hosted at a web site hosting computer system. When a request is made, the user is identified using a unique identifier such as a phone number or student ID number and then checked against an existing database of information. If located within the database, corresponding information is determined and then used to create a set of web documents that the user will further personalize and configure. The web site hosting computer also provides web site hosting functions to the user such as a means for customers to purchase goods and services.

([0005]). *Wall* further states:

Once the user has been uniquely identified, the host computer system determines corresponding information from the database of information to be used in creating a set of web documents. The user's browser is directed to a pre-configured web page that has been initially configured to meet with general

specifications of the Standard Industrial Code (SIC) that corresponds to the phone number in the database. For example, the phone number of a law firm would correspond to a SIC identifying it as a law firm, and thus, a collection of web pages will already have been configured in a standard law firm format for this particular phone number.

The web hosting service maintains a pool of several standard sets of web documents per SIC in the server farm that is located at its place of business. These standard sets of web documents are pre-configured with the look and feel of a typical web site of that industry along with typical features found on web sites of that industry.

([0020]-[0021]). The portions of *Wall* quoted above correspond to the alleged teaching of the “determination of web documents needed for acquisition by the web site hosting provider.” The parameter described in *Wall* merely corresponds to an identification of a user, in this case, a phone number of a user in a database. However, a phone number does not define “a quantity of a resource on the server”; *Wall* requires looking up a Standard Industrial Code associated with the phone number and then mapping that to some standard set of documents.

The parameter in *Wall* is used to choose one set from “a pool of several standard sets of web documents.” However, even if, *arguendo*, the standard set of web documents were to correspond to “a resource on the server,” *Wall* wholly fails to disclose, teach, or suggest that the standard sets of web documents are associated with different quantities of web documents. If, for instance, a user is directed to a same quantity of web documents regardless of his or her phone number, then the phone number has no relation to, and does not define, the quantity.

Furthermore, Appellants respectfully submit that the addition of *Frailong* does not cure the deficiencies of *Wall*. To begin, the Office Action, at page 5, admits that *Frailong* “does not explicitly teach ...the ‘configuration parameter defines at least in part a quantity of a resource on the server.’” Appellants respectfully submit that *Frailong* also fails to suggest “configuration parameter defines at least in part a quantity of a resource on the server” as recited in claim 18. *Frailong*, col. 9, lines 3-20, discloses that “[e]ach service manager allows a user, through a user interface, to perform certain service functions, such as bring down the service, reconfigure the service, and bring the service back up”. Even if enabling, disabling, or reconfiguring a service corresponds

to a “configuration parameter,” none of them properly corresponds to a configuration parameter that “defines at least in part **a quantity of a resource** on the server available to the particular customer of a web hosting provider” as recited in claim 18.

Additionally, one having ordinary skill in the art would find no motivation to combine *Wall* with *Frailong*, as *Wall* relates to web site hosting and not network interface devices, like *Frailong*.

The Office Action, at page 5, alleges:

One of ordinary skill in the art at the time of the applicant’s invention would have found it obvious to combine the teachings of *Wall* with *Frailong*. One of ordinary skill in the art would have been motivated to combine the teachings of *Wall* wherein *Wall* teaches the direct access by users to handle web site maintenance and be assisted by a web site hosting provider to help users that may lack the expertise necessary to maintain a web site (*Wall*, p. 1, para. 0002-3).

Appellants note that “[r]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741, 82 U.S.P.Q.2d at 1396 (quoting *In re Kahn*, 441 F.3d 977, 988, 78 U.S.P.Q.2d 1329, 1336 (Fed. Cir. 2006)). Appellants respectfully submit that the above allegation is conclusory and does not provide any articulated reasoning to combine *Wall* with *Frailong*, where *Frailong* does not even relate to the same subject matter as *Wall* (i.e., network interfaces versus web sites). The Office Action at most alleges a generic advantage: “to help users that may lack ... expertise necessary to maintain a web site.” This is merely a feature of *Wall*, not a motivation to combine the references. Further, *Frailong* does not mention web site maintainers, nor does it mention helping inexperienced web site maintainers as a goal or advantage. Because the two references are not related, a person of ordinary skill in the art would not be motivated to combine the two from the generic advantage alleged in the Office Action. For these reasons, Appellants respectfully submit that claim 18 is allowable over *Frailong* in view of *Wall*. Therefore, Appellants request that the rejection of claim 18 be overturned.

3. Independent Claim 26

Claim 26 recites:

26. An information processing system comprising:
at least one network server running at least one application program,
wherein application program operation is defined at least in part by a set of
configuration parameters stored on said at least one network server and
associated with said application program operation;
a database separate from said at least one network server and storing
said set of configuration parameters; and
means for automatically maintaining synchronization between said set of
configuration parameters stored on said at least one network server and said set
of configuration parameters stored in said database, wherein ***each application
program configuration parameter defines at least in part a quantity of a
resource on the network server that are made available to a particular user
of the network server.***

(Emphasis added.)

Appellants respectfully submit that the cited references fail to disclose, teach, or suggest at least the features emphasized above. The Office Action, at pages 6-7, alleges that “Wall teaches ‘configuration parameter defines at least in part a quantity of a resource on the server’ wherein Wall teaches the determination of web documents needed for acquisition by the web site hosting provider in response to the user’s request with respect to personalization and configuration (p. 1, para. 0005).” Appellants respectfully disagree.

The cited portion of *Wall* discloses the following:

The method detailed herein involves receiving a request by a user to create a set of web documents to be hosted at a web site hosting computer system. When a request is made, the user is identified using a unique identifier such as a phone number or student ID number and then checked against an existing database of information. If located within the database, corresponding information is determined and then used to create a set of web documents that the user will further personalize and configure. The web site hosting computer also provides web site hosting functions to the user such as a means for customers to purchase goods and services.

([0005]). *Wall* further states:

Once the user has been uniquely identified, the host computer system determines corresponding information from the database of information to be used in creating a set of web documents. The user's browser is directed to a pre-configured web page that has been initially configured to meet with general

specifications of the Standard Industrial Code (SIC) that corresponds to the phone number in the database. For example, the phone number of a law firm would correspond to a SIC identifying it as a law firm, and thus, a collection of web pages will already have been configured in a standard law firm format for this particular phone number.

The web hosting service maintains a pool of several standard sets of web documents per SIC in the server farm that is located at its place of business. These standard sets of web documents are pre-configured with the look and feel of a typical web site of that industry along with typical features found on web sites of that industry.

([0020]-[0021]). The portions of *Wall* quoted above correspond to the alleged teaching of the “determination of web documents needed for acquisition by the web site hosting provider.” The parameter described in *Wall* merely corresponds to an identification of a user, in this case, a phone number of a user in a database. However, a phone number does not define “a quantity of a resource on the server”; *Wall* requires looking up a Standard Industrial Code associated with the phone number and then mapping that to some standard set of documents.

The parameter in *Wall* is used to choose one set from “a pool of several standard sets of web documents.” However, even if, *arguendo*, the standard set of web documents were to correspond to “a resource on the server,” *Wall* wholly fails to disclose, teach, or suggest that the standard sets of web documents are associated with different quantities of web documents. If, for instance, a user is directed to a same quantity of web documents regardless of his or her phone number, then the phone number has no relation to, and does not define, the quantity.

Furthermore, Appellants respectfully submit that the addition of *Frailong* does not cure the deficiencies of *Wall*. To begin, the Office Action, at page 6, admits that *Frailong* “does not explicitly teach ...the ‘configuration parameter defines at least in part a quantity of a resource on the server.’” Appellants respectfully submit that *Frailong* also fails to suggest “configuration parameter defines at least in part a quantity of a resource on the server” as recited in claim 26. *Frailong*, col. 9, lines 3-20, discloses that “[e]ach service manager allows a user, through a user interface, to perform certain service functions, such as bring down the service, reconfigure the service, and bring the service back up”. Even if enabling, disabling, or reconfiguring a service corresponds

to a “configuration parameter,” none of them properly corresponds to a configuration parameter that “defines at least in part **a quantity of a resource** on the server available to the particular customer of a web hosting provider” as recited in claim 26.

Additionally, one having ordinary skill in the art would find no motivation to combine *Wall* with *Frailong*, as *Wall* relates to web site hosting and not network interface devices, like *Frailong*.

The Office Action, at page 7, alleges:

One of ordinary skill in the art at the time of the applicant’s invention would have found it obvious to combine the teachings of *Wall* with *Frailong*. One of ordinary skill in the art would have been motivated to combine the teachings of *Wall* wherein *Wall* teaches the direct access by users to handle web site maintenance and be assisted by a web site hosting provider to help users that may lack the expertise necessary to maintain a web site (*Wall*, p. 1, para. 0002-3).

Appellants note that “[r]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741, 82 U.S.P.Q.2d at 1396 (quoting *In re Kahn*, 441 F.3d 977, 988, 78 U.S.P.Q.2d 1329, 1336 (Fed. Cir. 2006)). Appellants respectfully submit that the above allegation is conclusory and does not provide any articulated reasoning to combine *Wall* with *Frailong*, where *Frailong* does not even relate to the same subject matter as *Wall* (i.e., network interfaces versus web sites). The Office Action at most alleges a generic advantage: “to help users that may lack ... expertise necessary to maintain a web site.” This is merely a feature of *Wall*, not a motivation to combine the references. Further, *Frailong* does not mention web site maintainers, nor does it mention helping inexperienced web site maintainers as a goal or advantage. Because the two references are not related, a person of ordinary skill in the art would not be motivated to combine the two from the generic advantage alleged in the Office Action. For these reasons, Appellants respectfully submit that claim 26 is allowable over *Frailong* in view of *Wall*. Therefore, Appellants request that the rejection of claim 26 be overturned.

4. Independent Claim 33

Claim 33 recites:

33. A method of synchronizing configuration parameters on a server with a database of stored configuration parameters that is separate from the network server, the method comprising:
automatically updating an application program configuration parameter on the server in response to an update of a corresponding stored application configuration parameter in said database by a particular user of the server,
wherein the application program configuration parameter defines a quantity of a resource on the server that is available to the particular user of the server.

(Emphasis added.)

Appellants respectfully submit that the cited references fail to disclose, teach, or suggest at least the features emphasized above. The Office Action, at page 8, alleges that “Wall teaches ‘configuration parameter defines at least in part a quantity of a resource on the server’ wherein Wall teaches the determination of web documents needed for acquisition by the web site hosting provider in response to the user’s request with respect to personalization and configuration (p. 1, para. 0005).” Appellants respectfully disagree.

The cited portion of *Wall* discloses the following:

The method detailed herein involves receiving a request by a user to create a set of web documents to be hosted at a web site hosting computer system. When a request is made, the user is identified using a unique identifier such as a phone number or student ID number and then checked against an existing database of information. If located within the database, corresponding information is determined and then used to create a set of web documents that the user will further personalize and configure. The web site hosting computer also provides web site hosting functions to the user such as a means for customers to purchase goods and services.

([0005]). *Wall* further states:

Once the user has been uniquely identified, the host computer system determines corresponding information from the database of information to be used in creating a set of web documents. The user's browser is directed to a pre-configured web page that has been initially configured to meet with general specifications of the Standard Industrial Code (SIC) that corresponds to the phone number in the database. For example, the phone number of a law firm would correspond to a SIC identifying it as a law firm, and thus, a collection of

web pages will already have been configured in a standard law firm format for this particular phone number.

The web hosting service maintains a pool of several standard sets of web documents per SIC in the server farm that is located at its place of business. These standard sets of web documents are pre-configured with the look and feel of a typical web site of that industry along with typical features found on web sites of that industry.

([0020]-[0021]). The portions of *Wall* quoted above correspond to the alleged teaching of the “determination of web documents needed for acquisition by the web site hosting provider.” The parameter merely corresponds to an identification of a user, in this case, a phone number of a user in a database. However, a phone number does not itself define “a quantity of a resource on the server”; *Wall* requires looking up a Standard Industrial Code associated with the phone number and then mapping that to some standard set of documents.

The parameter in *Wall* is used to choose one set from “a pool of several standard sets of web documents.” However, even if, *arguendo*, the standard set of web documents were to correspond to “a resource on the server,” *Wall* wholly fails to disclose, teach, or suggest that the standard sets of web documents are associated with different quantities of web documents. If, for instance, a user is directed to a same quantity of web documents regardless of his or her phone number, then the phone number has no relation to, and does not define, the quantity.

Furthermore, Appellants respectfully submit that the addition of *Frailong* does not cure the deficiencies of *Wall*. To begin, the Office Action, at page 8, admits that *Frailong* “does not explicitly teach ...the ‘configuration parameter defines at least in part a quantity of a resource on the server.’” Appellants respectfully submit that *Frailong* also fails to suggest “configuration parameter defines a quantity of a resource on the server” as recited in claim 33. *Frailong*, col. 9, lines 3-20, discloses that “[e]ach service manager allows a user, through a user interface, to perform certain service functions, such as bring down the service, reconfigure the service, and bring the service back up”. Even if enabling, disabling, or reconfiguring a service corresponds to a “configuration parameter,” none of them properly corresponds to a configuration parameter that

“defines **a quantity of a resource** on the server available to the particular customer of a web hosting provider” as recited in claim 33.

Additionally, one having ordinary skill in the art would find no motivation to combine *Wall* with *Frailong*, as *Wall* relates to web site hosting and not network interface devices, like *Frailong*. The Office Action, at page 8, alleges:

One of ordinary skill in the art at the time of the applicant’s invention would have found it obvious to combine the teachings of *Wall* with *Frailong*. One of ordinary skill in the art would have been motivated to combine the teachings of *Wall* wherein *Wall* teaches the direct access by users to handle web site maintenance and be assisted by a web site hosting provider to help users that may lack the expertise necessary to maintain a web site (*Wall*, p. 1, para. 0002-3).

Appellants note that “[r]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741, 82 U.S.P.Q.2d at 1396 (quoting *In re Kahn*, 441 F.3d 977, 988, 78 U.S.P.Q.2d 1329, 1336 (Fed. Cir. 2006)). Appellants respectfully submit that the above allegation is conclusory and does not provide any articulated reasoning to combine *Wall* with *Frailong*, where *Frailong* does not even relate to the same subject matter as *Wall* (i.e., network interfaces versus web sites). The Office Action at most alleges a generic advantage: “to help users that may lack ... expertise necessary to maintain a web site.” This is merely a feature of *Wall*, not a motivation to combine the references. Further, *Frailong* does not mention web site maintainers, nor does it mention helping inexperienced web site maintainers as a goal or advantage. Because the two references are not related, a person of ordinary skill in the art would not be motivated to combine the two from the generic advantage alleged in the Office Action. For these reasons, Appellants respectfully submit that claim 33 is allowable over *Frailong* in view of *Wall*. Therefore, Appellants request that the rejection of claim 33 be overturned.

5. Claims 14, 27, 29, 34, and 36-38

Since independent claims 12, 18, 26, and 33 are allowable, Appellants respectfully submit that claims 14, 27, 29, 34, and 36-38 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Appellants request that the rejection of claims 14, 27, 29, 34, and 36-38 be overturned.

B. Rejection of Claims 8 and 9 under 35 U.S.C. §103 as allegedly unpatentable over *Frailong* and *Wall* in view of *Wilson*

Appellants respectfully submit that the addition of *Wilson* does not cure the deficiencies of *Frailong* in view of *Wall* discussed above in connection with independent claim 12. Since independent claim 12 is allowable, Appellants respectfully submit that claims 8 and 9 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Appellants request that the rejection of claims 8 and 9 be overturned.

C. Rejection of Claims 13, 15, 22, 23, 28, 30-32, and 35 under 35 U.S.C. §103 as allegedly unpatentable over *Frailong* and *Wall* in view of *Dan*

To begin with, *Dan* fails to disclose, teach, or suggest the features for which it is cited regarding claims 13, 15, 22, 23, 28, 30-32, and 35. Appellants first note that the language of the Office Action is directed to a previous version of the claims, including “set of resources” language instead of the “quantity of the resource” as recited in claims 13, 15, 22, 23, 28, 30-32, and 35.

Nonetheless, Appellants respectfully submit that the web management system of *Dan* discloses at most configuring content within a web page. (See, e.g., FIG. 10). Therefore, *Dan* fails to disclose, teach, or suggest a configuration parameter defining a quantity of a resource, wherein the resource comprises “an amount of disk space” (claims 13, 28, and 35), “an amount

of memory space” (claims 15, 30, and 35), “an amount of communication bandwidth” (claim 22, 31, and 35), or “an amount of processor capacity” (claim 23, 32, and 35).

Moreover, the addition of *Dan* does not cure the deficiencies of *Frailong* in view of *Wall* as discussed above in connection with independent claims 12, 18, 26, and 33. Since independent claims 12, 18, 26, and 33 are allowable, Appellants respectfully submits that claims 13, 15, 22, 23, 28, 30-32, and 35 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Appellants request that the rejection of claims 13, 15, 22, 23, 28, 30-32, and 35 be overturned.

D. Conclusion

For at least the reasons discussed above, Appellants respectfully request that the Examiner’s final rejection of claims 8-9, 12-15, 18, 22-23, and 26-38 be overturned by the Board, and that the application be allowed to issue as a patent with pending claims 8-9, 12-15, 18, 22-23, and 26-38.

In addition to the claims listed in Section VIII (CLAIMS – APPENDIX), Section IX (EVIDENCE – APPENDIX) included herein indicates that there is no additional evidence relied upon by this brief. Section X (RELATED PROCEEDINGS – APPENDIX) included herein indicates that there are no related proceedings.

Respectfully submitted,

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VIII. CLAIMS – APPENDIX

8. The method of Claim 12, additionally comprising reversing a database update in the event of an indication of an error during the process of updating the server.

9. The method of Claim 12, additionally comprising suspending a database update for a predefined period.

12. A method of synchronizing configuration parameters on a server with a database of stored configuration parameters comprising:

automatically updating at least one application program configuration parameter on the server in response to receiving an update of at least one corresponding stored application configuration parameter in said database, the update initiated by a particular customer of a web hosting provider,

wherein each application program configuration parameter defines at least in part a quantity of a resource on the server available to the particular customer of a web hosting provider.

13. The method of Claim 12, wherein the quantity of the resource comprises an amount of disk space.

14. The method of Claim 12, wherein the quantity of the resource comprises a network address.

15. The method of Claim 12, wherein the quantity of the resource comprises an amount of memory space.

18. An information processing system comprising:

at least one network server running at least one application program, wherein application program operation is defined at least in part by a set of configuration parameters stored on said at least one network server and associated with said application program operation;

a database separate from said at least one network server and storing said set of configuration parameters; and

means for automatically maintaining synchronization between said set of configuration parameters stored on said at least one network server and said set of configuration parameters stored in said database, wherein the server is operated by a web-hosting provider and wherein each application program configuration parameter defines at least in part a quantity of a resource on the network server available to a particular customer of the web hosting provider.

22. The system of Claim 18, wherein the quantity of the resource comprises an amount of communication bandwidth.

23. The system of Claim 18, wherein the quantity of the resource comprises an amount of processor capacity.

26. An information processing system comprising:

at least one network server running at least one application program, wherein application program operation is defined at least in part by a set of configuration parameters stored on said at least one network server and associated with said application program operation;

a database separate from said at least one network server and storing said set of configuration parameters; and

means for automatically maintaining synchronization between said set of configuration parameters stored on said at least one network server and said set of configuration parameters stored in said database, wherein each application program configuration parameter defines at least in part a quantity of a resource on the network server that are made available to a particular user of the network server.

27. The system of claim 26, wherein the server is operated by a web-hosting provider and each application program configuration parameter defines at least in part a quantity of a resource on the server that are made available to a particular customer of the web hosting provider.

28. The system of Claim 26, wherein the quantity of the resource comprises an amount of disk space.

29. The system of Claim 26, wherein the quantity of the resource comprises an amount of a network address.

30. The system of Claim 26, wherein the quantity of the resource comprises an amount of memory space.

31. The system of Claim 26, wherein the quantity of the resource comprises an amount of communication bandwidth.

32. The system of Claim 26, wherein the quantity of the resource comprises an amount of processor capacity.

33. A method of synchronizing configuration parameters on a server with a database of stored configuration parameters that is separate from the network server, the method comprising:

automatically updating an application program configuration parameter on the server in response to an update of a corresponding stored application configuration parameter in said database by a particular user of the server,

wherein the application program configuration parameter defines a quantity of a resource on the server that is available to the particular user of the server.

34. The system of claim 33, wherein the server is operated by a web-hosting provider and the quantity of the resource is made available to a particular customer of the web hosting provider.

35. The system of claim 33, wherein the resource comprises at least one of disk space, a network address, memory space, communication bandwidth, or processor capacity.

36. The system of claim 33, wherein the automatically updating further comprises: updating the corresponding stored application configuration parameter in said database in response to a request from the particular user;

triggering a daemon to run on the server, wherein the triggering is responsive to the updating the corresponding stored application configuration parameter in said database.

37. The system of claim 33, wherein the automatically updating further comprises:
receiving a request, from the particular user, for an update to the corresponding stored application configuration parameter in said database;
updating the corresponding stored application configuration parameter in said database, responsive to the receiving;
triggering a daemon to run on the server, wherein the triggering is responsive to the updating the corresponding stored application configuration parameter in said database.

38. The system of claim 33, wherein the automatically updating further comprises:
receiving a selection, from the particular user, of the corresponding stored application configuration parameter in said database, from one of a plurality of stored application configuration parameters;
receiving a request, from the particular user, for an update to the selected corresponding stored application configuration parameter in said database;
updating the selected corresponding stored application configuration parameter in said database, responsive to the receiving;
triggering a daemon to run on the server, wherein the triggering is responsive to the updating the selected corresponding stored application configuration parameter in said database.

IX. EVIDENCE – APPENDIX

None.

X. RELATED PROCEEDINGS – APPENDIX

None.